

## Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-07 AGRE-00  
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00  
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01  
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03  
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PRS-01 SP-02 SS-15 USIA-06 /125 W  
-----270652Z 059204 /12

R 261505Z MAY 77

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 462

USUN NEW YORK 693

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USUN FOR LOS DELEGATION

E.O. 11652: N/A

TAGS: PLOS,SP

SUBJECT: SPANISH VIEWS ON LOS ISSUES

REF: STATE 116543; STATE 116631

1. ECONOMIC/COMMERCIAL COUNSELOR AND EMBOFF MAY 25 DISCUSSED US POSITION ON MARINE SCIENTIFIC RESEARCH WITH MANUEL BARROSO, DIRECTOR GENERAL, INTERNATIONAL TECHNICAL COOPERATION, AND JOSE ANTONIO DE YTURRIAGA, DEPUTY DIRECTOR FOR INTERNATIONAL SURFACE, MARITIME AND AIR COOPERATION, MINISTRY OF FOREIGN AFFAIRS. YTURRIAGA, WHO DIRECTLY RESPONSIBLE FOR LOS MATTERS IN MFA AND HAS BEEN CLOSELY INVOLVED WITH NEGOTIATIONS SINCE 1970, DISCUSSED SPANISH POSITION ON RESEARCH QUESTIONS, AS WELL AS ON SEVERAL OTHER LOS PROBLEM AREAS. EMBOFFS USED MATERIAL IN STATE 116631 IN AIDE MEMOIRE AND, USING

TALKING POINTS PROVIDED, STRONGLY URGED RE-EXAMINATION OF SPANISH POSITION.

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2. YTURRIAGA DESCRIBED SPANISH POSITION AS "MIDDLE VIEW", THAT IS GOVERNMENTS WOULD HAVE TO REQUEST CONSENT OF COASTAL STATES TO CONDUCT RESEARCH IN ECONOMIC ZONES, BUT ONLY "TACIT" (RATHER THAN AFFIRMATIVE) CONSENT WOULD BE REQUIRED. SPANISH VIEW TWO EXTREMES AS SIMPLE NOTIFICATION (WHICH IS CONSIDERED US POSITION) AND AFFIRMA-

TIVE

(WRITTEN) CONSENT REQUIREMENT FAVORED BY MOST DEVELOPING COUNTRIES. ALTHOUGH YTURRIAGA SPECIFIED SAME THREE CATEGORIES OF RESEARCH LISTED IN PARA. 4, STATE 116631, AS THOSE VIEWED BY SPANISH AS REQUIRING CONSENT, HE LATER STATED THAT SPANISH BELIEVE PRESENT RSNT DRAFT BY CHAIRMAN YANKOV IS BEST THAT CAN BE NEGOTIATED AND SHOULD BE ACCEPTED. EMBOFFS EMPHASIZED US VIEW THAT RSNT NOT ACCEPTABLE AND POINTED OUT OPEN-ENDED NATURE OF PRESENT PROVISIONS FOR REFUSING CONSENT. EMBOFFS ALSO INFORMED SPANISH THAT AMBASSADOR RICHARDSON WOULD BE SENDING LETTER TO AMBASSADOR IBANEZ, CHAIRMAN OF SPANISH LOS DELEGATION.

3. ALTHOUGH EMBOFFS HAD INTENDED DISCUSS ONLY MARINE SCIENTIFIC RESEARCH, YTURRIAGA VOLUNTEERED SPANISH POSITION ON SEVERAL OTHER LOS MATTERS. THESE ARE:

- STRAITS OF AIRCRAFT. FROM PROCEDURAL VIEWPOINT SPANISH FEEL THAT AIRCRAFT PASSAGE SHOULD NOT BE INCLUDED IN LOS BUT IS SUBJECT (INSTEAD) OF AMENDED CHICAGO CONVENTION ON CIVIL AVIATION. SPANISH APPARENTLY ALSO FAVOR MORE RESTRICTIVE POLICY FOR AIRCRAFT THAN FOR SHIPS, BUT POSITION NOT FIRM);
- LIMITATIONS (SPANISH FAVOR GENERAL APPROACH IN RSNT FOR ESTABLISHMENT OF LIMITS OF TERRITORIAL SEAS AND ECONOMIC ZONES. HOWEVER THEY CONSIDER IMPOSITION OF "INTERIM SOLUTIONS", PENDING FINAL RESOLUTION OF LIMITS, UNACCEPTABLE. YTURRIAGA SAID SPAIN WOULD HAVE PARTICULAR PROBLEMS WITH MOROCCO AND ALGERIA IN THIS REGARD. IN REPLY TO EMBOFF'S QUESTION HE SAID THAT RATIFICATION OF AGREEMENTS WITH PORTUGAL ON TERRITORIAL SEAS LIMITS IS DELAYED ONLY BY INTERNAL PORTUGUESE PROBLEMS, NOT BY ANY DISAGREEMENT BETWEEN TWO COUNTRIES);

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- ISLANDS (YTURRIAGA SAID PRESENT RSNT SECTION ON ISLANDS IS NOT ACCEPTABLE TO SPANISH. AS EMBOFFS UNDERSTOOD SPANISH FEEL THAT THEIR INTERESTS IN CANARY ISLANDS WOULD SUFFER VIS-A-VIS THE AFRICAN COASTAL STATES UNDER PRESENT CONCEPT);
- DISPUTES SETTLEMENT (YTURRIAGA SAID SPAIN IN AGREEMENT WITH US THAT SOME FORM OF CLEAR, MANDATORY SETTLEMENT FOR DISPUTES MUST BE PROVIDED. SPANISH ARE WILLING TO ACCEPT ANY OF SEVERAL FORMS, I.E. WORLD COURT, SPECIAL TRIBUNAL, ETC.).

4. COMMENT: BOTH BARROSO AND YTURRIAGA EXPRESSED COMPLETE SUPPORT FOR "FREEDOM OF NAVIGATION" CONCEPT, SAYING THAT IMPOSITION OF ANY RESTRICTIONS (SUCH AS US FISHING REGULATIONS IN ECONOMIC ZONE) ARE INVITATION TO OTHER COUNTRIES TO RETALIATE WITH SIMILAR RESTRICTIONS. YTURRIAGA POINTED OUT THAT SOME COUNTRIES MIGHT NOT VIEW FISHING IN SAME MANNER THAT US DOES, BUT THEY MIGHT FEEL NEED TO CLOSELY REGULATE SCIENTIFIC RESEARCH OR OTHER ACTIVITIES. WITH REGARD SPANISH POLICY ON RESEARCH, EMBASSY EXPERIENCED PROVIDED EVIDENCE OF RELATIVELY STRICT VIEW OF "PRIOR CONSENT" REQUIREMENT: SPANISH HAVE REQUIRED SUBMISSION OF REQUEST

TO CONDUCT RESEARCH WITHIN SPAIN'S TERRITORIAL SEA SIX MONTHS IN  
ADVANCE AND HAVE REFUSED CONSENT IN SEVERAL CASES WHEN REQUESTS  
WERE SUBMITTED LATE. WHEN EMBOFF ASKED IF SPANISH WERE OPTIMISTIC  
ABOUT LOS. YTURRIAGA SAID HE COULD ONLY GIVE PERSONAL JUDGEMENT  
AND THAT WAS PESSIMISTIC THAT PRESENT MEETING WOULD RESULT IN  
AGREEMENT.STABLER

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## Message Attributes

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